

## UNITED STATES DISTRICT COURT

for the  
Southern District of OhioFILED  
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U.S. DISTRICT COURT  
SOUTHERN DIST. OHIO  
ST. DIV. COLUMBUS

## In the Matter of the Search of

(Briefly describe the property to be searched  
or identify the person by name and address)INFORMATION ASSOCIATED WITH SNAPCHAT  
USERNAME: Brian\_L5238 THAT IS STORED AT  
PREMISES CONTROLLED BY SNAP INC.

Case No.

2:20-mj-259

## APPLICATION FOR A SEARCH WARRANT

I, a federal law enforcement officer or an attorney for the government, request a search warrant and state under penalty of perjury that I have reason to believe that on the following person or property (identify the person or describe the property to be searched and give its location):

See Attachment A

located in the Central District of California, there is now concealed (identify the person or describe the property to be seized):

See Attachment B

The basis for the search under Fed. R. Crim. P. 41(c) is (check one or more):

- ☒ evidence of a crime;
- ☒ contraband, fruits of crime, or other items illegally possessed;
- ☒ property designed for use, intended for use, or used in committing a crime;
- ☐ a person to be arrested or a person who is unlawfully restrained.

The search is related to a violation of:

Code Section	Offense Description
21 U.S.C. § 846	Attempting or conspiring to knowingly or intentionally manufacture, distribution, dispensation, or possession with intent to manufacture, distribute, or dispense a controlled substance as outlined in Title 21 U.S.C. § 841.

The application is based on these facts:

See Attachment C

☒ Continued on the attached sheet.☐ Delayed notice of \_\_\_\_\_ days (give exact ending date if more than 30 days: \_\_\_\_\_) is requested under 18 U.S.C. § 3103a, the basis of which is set forth on the attached sheet.

Applicant's signature

Gregory Libow, Special Agent, HSI

Printed name and title

Sworn to before me and signed in my presence.

Date: April 9, 2020City and state: Columbus, Ohio  
Kimberly A. Johnson

United States Magistrate Judge



**ATTACHMENT A**

**DESCRIPTION OF PROPERTY TO BE SEARCHED**

This warrant applies to information associated with a Snapchat Username: Brian\_L5238, which is the subject of a preservation request sent to Snap Inc., on April 2, 2020, Case #72348078, that is stored at premises owned, maintained, controlled, or operated by Snap Inc., a company headquartered at 2772 Donald Douglas Loop North, Santa Monica, CA 90405.

**ATTACHMENT B**  
**LIST OF ITEMS TO BE SEIZED**

**I. Information to be disclosed by Snap Inc.**

To the extent that the information described in Attachment A is within the possession, custody, or control of Snap Inc., including any text, image or video messages, records, files, logs, or information that have been deleted but are still available to Snap Inc., or have been preserved pursuant to a request made under 18 U.S.C. § 2703(f), Snap Inc. is required to disclose the following information to the government for each user ID listed in Attachment A:

- (a) All identity and contact information, including full name, e-mail address, physical address (including city, state, and zip code), date of birth, gender, hometown, occupation, and other personal identifiers;
- (b) All past and current usernames, account passwords, and names associated with the account;
- (c) The dates and times at which the account and profile were created, and the Internet Protocol ("IP") address at the time of sign-up; and, any IP addresses associated with attempted logins;
- (d) For the time period set forth in Section II, all IP logs and other documents showing the IP address, date, and time of each login to the account, as well as any other log file information;
- (e) For the time period set forth in Section II, all information regarding the particular device or devices used to login to or access the account, including all device identifier information or cookie information, including all information about the particular device or devices used to access the account and the date and time of those accesses;
- (f) All data and information associated with the profile page, including photographs "bios," and profile backgrounds and themes;
- (g) For the time period set forth in Section II, all communications or other messages sent or received by the account;

- (h) For the time period set forth in Section II, all user content created, uploaded, or shared by the account, including any comments made by the account on photographs or other content;
- (i) All photographs and images in the user gallery for the account to include all photographs and videos that have been sent and/or received by either user of the listed Snapchat accounts;
- (j) All location data associated with the account, including geotags and/or metadata associated with the photos and/or videos that were sent/received, even if the metadata was removed by Snap Inc. upon receipt of either the photos or videos;
- (k) All data and information that has been deleted by the users;
- (l) A list of all of the people that the user follows on Snapchat and all people who are following the user (*i.e.*, the user's "Friends" list and "followers" list), as well as any friends of the user;
- (m) A list of all users that the account has "unfollowed" or blocked;
- (n) All privacy and account settings;
- (o) All records of Snapchat searches performed by the account, including all past searches saved by the account;
- (p) For the time period set forth in Section II, all information about connections between the account and third-party websites and applications;
- (q) All records pertaining to communications between Snap Inc. and any person regarding the user or the user's Snapchat account, including contacts with support services, and all records of actions taken, including suspensions of the account.

## **II. Information to be seized by the government**

All information described above in Section I that constitutes fruits, evidence and instrumentalities of violations of Title 21 U.S.C. § 846 (attempting or conspiring to knowingly or intentionally manufacture, distribution, dispensation, or possession with intent to manufacture, distribute, or dispense a controlled substance as outlined in Title 21 U.S.C. § 841) involving the

Snapchat account user since January 1, 2020, including, for the user ID identified on Attachment A, information pertaining to the following matters:

- (a) Records relating to who created, used, accessed, or communicated with the account, including any records about their identities and whereabouts.
- (b) Any and all photos, videos, and images within the accounts listed in Attachment A.

IN THE UNITED STATES DISTRICT COURT  
FOR SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

IN THE MATTER OF THE SEARCH OF  
INFORMATION ASSOCIATED WITH  
SNAPCHAT USERNAME:

Brian\_L5238

THAT IS STORED AT PREMISES  
CONTROLLED BY SNAP INC.

Case No.: \_\_\_\_\_

Magistrate Judge Kimberly A. Jolson

Filed Under Seal

**AFFIDAVIT IN SUPPORT OF  
AN APPLICATION FOR A SEARCH WARRANT**

I, Gregory Libow, a Special Agent with the United States Immigration and Customs Enforcement (ICE) office of Homeland Security Investigations (HSI), being first duly sworn, hereby depose and state as follows:

**EDUCATION TRAINING AND EXPERIENCE**

1. I am a Special Agent (SA) with the HSI within the Department of Homeland Security (DHS) since May of 2019. I am assigned to the Central Ohio High Intensity Drug Trafficking Area (HIDTA) Dark Web Taskforce in Columbus, Ohio, where I am responsible for conducting investigations of narcotics purchasers and vendors on Dark Web marketplaces.

2. Prior to becoming a Special Agent, I was employed as a United States Customs and Border Protection (CBP) Officer for 8 years. As a CBP Officer in San Ysidro, California, I found multiple drug loads in non-factory compartments of vehicles. During later portion of my time at CBP, I worked in Columbus, Ohio alongside HSI and other law enforcement agencies targeting drug and weapon shipments purchased off the internet. I received a Bachelor of Arts in Mass Media degree from California State University in 2010.

3. As a Special Agent, I am authorized to investigate violations of the laws of the United States and to execute warrants issued under the authority of the United States.

**PURPOSE OF THE AFFIDAVIT**

4. I make this affidavit in support of an application for a search warrant for information associated with a certain Snapchat Username that is stored at a premises owned,

maintained, controlled, or operated by Snap Inc. (“Snapchat”), a social networking company headquartered at 2772 Donald Douglas Loop North, Santa Monica, CA 90405. The information to be searched is described in the following paragraphs and in Attachment A. This affidavit is made in support of an application for a search warrant under 18 U.S.C. §§ 2703(a), 2703(b)(1)(A) and 2703(c)(1)(A) to require Snapchat to disclose to the government records and other information in its possession, pertaining to the subscriber or customer associated with the Snapchat Username: Brian\_L5238 (the “SUBJECT ACCOUNT”).

5. The facts in this affidavit are based upon my personal observations, my training and experience, and information obtained from other agents, law enforcement officers, and witnesses. I have not included in this affidavit all information known by me relating to this matter. This affidavit sets forth only the facts necessary to establish sufficient probable cause for the requested search warrant and does not set forth all of my knowledge about this matter.

6. The SUBJECT ACCOUNT to be searched is more particularly described in Attachment A, for the items specified in Attachment B, which items constitute instrumentalities, fruits, and evidence of violations of Title 21 U.S.C. § 846 attempting or conspiring to knowingly or intentionally manufacture, distribution, dispensation, or possession with intent to manufacture, distribute, or dispense a controlled substance as outlined in Title 21 U.S.C. § 841. ). I am requesting authority to search the entire content of the SUBJECT ACCOUNT, wherein the items specified in Attachment B may be found, and to seize all items listed in Attachment B as instrumentalities, fruits, and evidence of crime.

#### **TECHNICAL TERMS**

7. Based on my training and experience, I use the following technical terms to convey the following meanings:

8. IP Address: An Internet Protocol address (or simply “IP address”) is a unique numeric address used by computers on the Internet. An IP address is a series of four numbers, each in the range 0-255, separated by periods (e.g., 121.56.97.178). Every computer attached to the Internet must be assigned an IP address so that Internet traffic sent from and directed to that computer may be directed properly from its source to its destination. Most Internet service providers control a range of IP addresses. Some computers have static—that is, long-term—IP addresses, while other computers have dynamic—that is, frequently changed—IP addresses.

9. Internet: The Internet is a global network of computers and other electronic devices that communicate with each other. Due to the structure of the Internet, connections between devices on the Internet often cross state and international borders, even when the devices communicating with each other are in the same state.

### **BACKGROUND ON SNAPCHAT**

10. Based on my training, experience, and conversations with other agents and law enforcement officers, I know the following:

11. A growing trend related to smartphones and other mobile computing devices is the use of mobile applications. Mobile applications, also referred to as “apps,” are small, specialized programs downloaded onto mobile devices that enable users to perform a variety of functions, including engaging in online chat, reading a book, or playing a game. Examples of such “apps” include LiveMe, KIK messenger service, Snapchat, Meet24, and Instagram.

12. According to the Snap Inc. Law Enforcement Guide, “Snapchat is a mobile application made by Snap Inc. (“Snap”) and available through the iPhone App Store and Google Play Store. The Snapchat app provides users a way to share moments with photos, videos, and chats.”

13. Snap Inc., owns and operates a free-access social-networking application named Snapchat that can be accessed as a mobile application on a cell phone or other electronic device capable of downloading the social media application. Snapchat allows its users to create their own profile with a photo of themselves, and other information. Snapchat is further maintained by the Snap Inc., located 2772 Donald Douglas Loop North, Santa Monica, CA 90405.

14. The users of Snapchat communicate with other Snapchat users by sending photos or videos to one another. When an image or video (“snap”) is sent to another Snapchat user, the person sending the image can set a timer on the image to determine when the image will automatically delete after the receiving Snapchat user receives the image. In many cases, the images will automatically delete in 10 seconds. The user sending an image can set the automatic delete setting on the image from 1 second to 10 seconds, or the option to never delete once sent to the other Snapchat user. Once an image automatically deletes, the receiving user of the image will no longer be able to see or watch the sent image.



15. If a Snapchat user receiving an image wants to save the image sent to them, the receiving user can quickly capture the image by saving the image once it is opened by the sending user on Snapchat. If a receiving user on Snapchat saves the image sent to them, the sending user on Snapchat will receive a notification that the Snapchat user who received their image took a screen capture or saved the image that was sent to them. However, this screen capture auto notification can be bypassed if the receiving user takes a photo of their screen by using a separate camera or other electronic device to capture the sent image.

16. Snapchat also allows users to add “filters” to photos taken within the Snapchat application. This filter can add animal characteristics to the user who is taking a photo of themselves or other people in the photo. The filters can also allow the user to take a video of themselves with a voice changer. Other filters within Snapchat can add locations where the images were taken based on the user’s physical location if GPS (Global Positioning System) is activated on the Snapchat user’s device. This type of information is referred to by Snapchat as Location Data and further described below.

17. Snapchat users can also post daily images taken within the Snapchat application allowing the user to document their daily activity. These daily images are documented in the Snapchat “Story”. Many users of Snapchat attempt to post daily consecutive images in an attempt to show their daily usage of the Snapchat mobile application. These daily postings of images are often referred to as “Streaks”.

18. **Snaps.** Snaps are photos or videos taken using the Snapchat app’s camera on an individual’s mobile device, and may be shared directly with the user’s friends, or in a Story (explained below) or Chat. Snap’s servers are designed to automatically delete a Snap after it has been viewed by all intended recipients. Snap’s servers are designed to automatically delete an unopened Snap sent directly to a recipient after 30 days and an unopened Snap in Group Chat after 24 hours.

19. **Stories.** A user can add Snaps to their “Story”. A Story is a collection of Snaps displayed in chronological order. Users can manage their privacy settings so that their Story can be viewed by all Snapchatters, their friends, or a custom audience. A user can also submit their Snaps to our crowd-sourced service “Our Story”, which enables their Snaps to be viewed by all Snapchatters in Search and Snap Map.

20. Snap's servers are designed to automatically delete a Snap in a user's Story 24 hours after the user posts the Snap, but the user may delete part or all of the Story earlier. Submissions to Our Story may be saved for longer periods of time.

21. **Memories.** Memories is Snapchat's cloud-storage service. Users can save their sent or unsent Snaps, posted Stories, and photos and videos from their phone's photo gallery in Memories. Content saved in Memories is backed up by Snap and may remain in Memories until deleted by the user. Users may encrypt their content in Memories (called "My Eyes Only"), in which case the content is not accessible to Snap and cannot be decrypted by Snap.

22. **Chat.** A user can type messages, send Snaps, audio notes, and video notes to friends within the Snapchat app using the Chat feature. Our servers are designed to automatically delete one-to-one chats once the recipient has opened the message and both the sender and recipient have left the chat screen, depending on the user's chat settings.

23. Snap's servers are designed to automatically delete unopened one-to-one chats in 30 days. Users can also chat in groups. Chats sent in groups are deleted after 24 hours whether they are opened or not. A user can save a message in Chat by pressing and holding the message. The user can unsave the message by pressing and holding it again. This will delete it from our servers. Users can also delete chats that they have sent to a recipient before the recipient has opened the chat or after the recipient has saved the chat.

24. **Location Data.** If a user has device-level location services turned on and has opted into location services on Snapchat, Snap will collect location data at various points during the user's use of Snapchat, and retention periods for location data vary depending on the purpose of the collection. Users have some control over the deletion of their location data in the app settings.

25. Snapchat asks users to provide basic identity and contact information upon registration and also allows users to provide additional identity information for their user profile. This information may include the user's full name, e-mail addresses, and phone numbers, as well as potentially other personal information provided directly by the user to Snapchat. Once an account is created, users may also adjust various privacy and account settings for the account on Snapchat. These account settings can include limiting the Snapchat application to access cell phone's camera, microphone, and/or lists of names and phone numbers

listed in the Contact List of the cell phone. This information of other Snapchat users is collected and maintained by Snapchat.

26. Snapchat allows users to have "friends," which are other individuals with whom the user can share information without making the information public. Friends on Snapchat may come from either contact lists maintained by the user, users inputted by the account owner, other third-party social media websites and information, or searches conducted by the user on Snapchat profiles. This information is collected and maintained by Snapchat.

27. Snapchat also allows users to "follow" another user, which means that they receive updates about posts made by the other user. Users may also "unfollow" users, that is, stop following them or block the, which prevents the blocked user from following that user.

28. Snapchat allow users to post and share various types of user content, including photos, videos, comments, and other information. User content that is posted within Snapchat or shared through Snapchat is collected and maintained by Snapchat.

29. Users on Snapchat may also search Snapchat for other users by searching for a specific user's name known to the user or by scanning the other Snapchat users "Snapcode" code. A Snapcode is similar to a QR Code, which is a type of unique image which identifies a Snapchat user's profile on Snapchat to one user. This allows users to share their identity with other Snapchat users with a simple image, without sharing a username or any other personally identifying information such as a phone number or an email address.

30. For each user, Snapchat also collects and retains information, called "log file" information, every time a user requests access to Snapchat, whether to login to the application or to logout of the application. Among the log file information that Snapchat's servers automatically record is the particular Internet Protocol ("IP") address associated with the request. If the IP access is made with a cellular telephone, some information obtained by Snapchat will capture the actual "IP6" (IP version6) data, which is capable of capturing the information related to a specific mobile or electronic devices, including dates and times of access to the Snapchat account, and other information.

31. Snapchat users can also communicate privately with other Snapchat users, or they can communicate within "groups" of other Snapchat users who all have the Snapchat application on their electronic devices. Users can share photos, videos, and personal

messages to one another within the application which cannot be viewed by other users within the same application.

32. Snapchat also may communicate with the user. Snapchat collects and maintains copies of communications between Snapchat and the user.

33. Based on the information above, the computers of Snap Inc., are likely to contain all the material described herein, including stored electronic communications and information concerning subscribers and their use of Snapchat, such as account access information, which would include information such as the IP addresses and devices used to access the account, as well as other account information that might be used to identify the actual user or users of the account at particular times.

#### **PROBABLE CAUSE**

34. On March 24, 2020, the CBP at the Federal Express (FedEx) Hub in Memphis, Tennessee seized approximately 2.46 kilograms of black tar heroin concealed inside a shipment of tiles. The package, Airway Bill# 3913 4542 5939 was sent from Oswaldo Emmanuel Rodriguez CHAVEZ in Tepic, Mexico and was addressed to Brian Diaz LOPEZ at 4885 Huron Avenue in Columbus, OH. The phone number listed for LOPEZ on the package was (323) 535-7999. It was determined that address 4885 Huron Avenue did not exist, but 488 S Huron Avenue was the intended address of the parcel.

35. Law enforcement database queries revealed a suspected intended recipient was Brian Diaz LOPEZ, DOB: 09/24/1998. LOPEZ had a valid California Identification Card # Y4887349 issued to him with an address of listed as 8635 Baring Crossing Street, Los Angeles, California 90044. Queries also revealed LOPEZ had an outstanding bench warrant for failure to appear issued on January 24, 2020.

36. On March 31, 2020 at approximately 9:00am, investigators with the Central Ohio HIDTA Dark Web Taskforce conducted surveillance on 488 South Huron Avenue in Columbus, Ohio (the "TARGET RESIDENCE"). The TARGET RESIDENCE is a tan with white trim multi-family house. It is on the northwest corner of South Huron Avenue and Parkside Road. There is a door, labeled "486", that faces west and leads to South Huron Avenue. There is a second door, labeled "488", that faces south and leads to Parkside Road. Investigators observed a parking pad in the alley to the east of the TARGET RESIDENCE with a black Honda Civic

LOPEZ know before the package arrives, so LOPEZ does not go out. GONZALEZ then asked for LOPEZ's address and LOPEZ replies he rented a house, needed cash, and to send more money his way. LOPEZ then sends a screenshot of the address 488 South Huron Avenue, Columbus, Ohio 43204. LOPEZ asked GONZALEZ to let him know so he does not go to work. GONZALEZ stated he will let LOPEZ know the day before. LOPEZ said okay and asked for GONZALEZ to keep it low key and GONZALEZ replied back yes, we do everything low key. LOPEZ then asked GONZALEZ if he could put it under another name same address and that he'll be home anyway.

43. On March 26, 2020, additional translations of the conversation revealed, LOPEZ asked GONZALEZ to send him the tracking number because the parcel had not arrived yet. GONZALEZ replied back with 3913 4542 5939. This is the same FedEx tracking number found on the packaging containing heroin that was seized by CBP on March 24, 2020. LOPEZ said he will check the tracking number and replied back that the package is still in Guadalajara, Mexico. GONZALEZ replied back in an audio message saying that's what he is seeing as well. LOPEZ sends a screen capture of the tracking number showing that is pending.

44. On April 1, 2020, LOPEZ sends GONZALEZ a message saying GONZALEZ screwed up and put the wrong address. LOPEZ then sends two screen captures, one of the correct address and a second of a text message sent by an HSI SA posing as a FedEx employee stating the address was invalid for delivery. GONZALEZ replies back that "the idiot who mailed it put the wrong address". GONZALEZ replies again telling LOPEZ to go pick it up tomorrow and that it isn't going to be any trouble. LOPEZ then asks how much he is going to get so he knows.

45. Based upon my training and experience, I believe there is probable cause that the SUBJECT ACCOUNT contains evidence of instructions Rodolfo "Rodo" GONZALEZ Montano provided to Brian Diaz LOPEZ concerning mailed packages containing narcotics, which is a violation of Conspiracy within Title 21 U.S.C. § 846 attempting or conspiring to knowingly or intentionally manufacture, distribution, dispensation, or possession with intent to manufacture, distribute, or dispense a controlled substance as outlined in Title 21 U.S.C. § 841.



**CONCLUSION**

46. Based on the forgoing factual information, your affiant submits there is probable cause to believe that violations of Title 21 U.S.C. § 846, attempting or conspiring to knowingly or intentionally manufacture, distribution, dispensation, or possession with intent to manufacture, distribute, or dispense a controlled substance as outlined in Title 21 U.S.C. § 841, have been committed, and evidence of those violations is located in the content of the SUBJECT ACCOUNT.

47. This Court has jurisdiction to issue the requested warrant because it is "a court of competent jurisdiction" as defined by 18 U.S.C. § 2711. *See* 18 U.S.C. §§ 2703(a), (b)(1)(A) & (c)(1)(A). Pursuant to 18 U.S.C. § 2703(g), the presence of a law enforcement officer is not required for the service or execution of this warrant.

48. Your affiant respectfully requests that the Court issue a search warrant authorizing the search of the SUBJECT ACCOUNT described in Attachment A, and the seizure of the items described in Attachment B.

49. I further request that the Court authorize execution of the warrant at any time of day or night, owing to the potential need to expeditiously notify Snap Inc. outside of daytime hours in order to prevent potential destruction of electronic evidence.

50. I further request that the Court order that all papers in support of this application, including the affidavit and search warrant, be sealed until further order of the Court. These documents discuss an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation.

Respectfully submitted,



\_\_\_\_\_  
Gregory Libow, Special Agent  
Homeland Security Investigations

Subscribed and sworn to before me on the 9th day of April, 2020.

  
\_\_\_\_\_  
Kimberly A. Johnson  
United States Magistrate Judge

